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Date of Deposit: January 15, 2004

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By: Roseanne Giuliani  
Roseanne Giuliani

## PATENT

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

INVENTOR(S) : Eric A. Merz, et al.  
TITLE : SYSTEM AND METHOD FOR MARKING  
MATERIAL CONTAINER  
IDENTIFICATION  
APPLICATION NO. : Unknown  
FILED : Herewith  
ART UNIT : Unknown  
ATTORNEY DOCKET NO. : D/A1377  
XERZ 2 00474

### INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In accordance with 37 C.F.R. §§ 1.56, 1.97, 1.98 and MPEP § 609, applicants submit the following Disclosure Statement concerning art of which the applicants are aware. A copy of PTO-1449 is enclosed herewith.

Under § 1.98(a)(3), no concise explanation of relevance is required for information that is in the English language. Accordingly, the enclosed at require no further explanation.

Consideration of the appropriate paragraph(s) indicated below is respectfully requested:

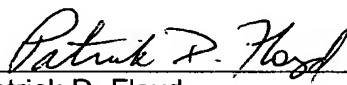
- ☒ **WITHIN THREE MONTHS OF FILING:** Under § 1.97(b)(1), this Information Disclosure Statement is being filed within three months of the filing date of the application. Although it is believed no fee is necessary, any deficiency in fees should be charged to Deposit Account No. 24-0037.
- ☐ **BEFORE FIRST OFFICE ACTION:** Under § 1.97(b)(3), this Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits. Although it is believed no fee is necessary, any deficiency in fees should be charged to Deposit Account No. 24-0037.

- ☐ **INTERNATIONAL SEARCH REPORT:** Under § 1.97(e)(1), the undersigned certifies that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement. Although it is believed no fee is necessary, any deficiency in fees should be charged to Deposit Account No. 24-0037.
- ☐ **BEFORE FINAL ACTION/WITH FEE:** Under § 1.97(c)(2), this information shall be considered if filed before the mailing date of a final action if accompanied by a fee in the amount of \$180.00 as required by §1.17(p). Accordingly, the necessary fee accompanies this Information Disclosure Statement. Any overpayment or deficiency can be charged to Deposit Account No. 24-0037.
- ☐ **PRIORITY CLAIM:** The attached PTO 1449 Form includes all patents, publications, or other information previously cited by or submitted to the Office in one or more prior applications from which the present application claims priority. These one or more prior applications are identified in the papers accompanying the filing of this application. In accordance with 609 MPEP, only copies of art not previously submitted are enclosed.

Respectfully submitted,

FAY, SHARPE, FAGAN,  
MINNICH & McKEE, LLP

January 15, 2004

  
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Substitute for form 1449/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT(S)</b> <i>(Use as many sheets as necessary)</i>	<b>COMPLETE IF KNOWN</b>	
	Application Number	Unknown
	Filing Date	Herewith
	First Named Inventor	Eric A. Merz
	Art Unit	Unknown
	Examiner Name	Unknown
Sheet 1 of 1	Attorney Docket No.	D/A1377 / XERZ 2 00474

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No.	Document No. Number-Kind Code (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	AA	US-5,997,121	12/07/1999	Altfather et al.	
	AB	US-6,460,962 B1	10/08/2002	Dietl et al.	
	AC	US-6,520,612 B1	02/18/2003	Merz et al.	
	AD	US-			
	AE	US-			
	AF	US-			
	AG	US-			
	AH	US-			
	AI	US-			
	AJ	US-			
	AK	US-			
	AL	US-			

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No.	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T
		Country Code-Number Kind Code (if known)				
	AM					
	AN					
	AO					
	AP					

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS				
Examiner Initials*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume/issue number(s), publisher, city and/or country where published		
	AQ			
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Examiner Signature		Date Considered	
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